



PATENT
Attorney Docket No. 204001

#12/B
PD
11-26-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Glorioso et al.

Application No. 09/506,301

Art Unit: 1636

Examiner: G. Leffers, Jr.

Filed: February 17, 2000

For: ADENO-ASSOCIATED VIRAL
GENE-TRANSFER VECTOR
SYSTEM

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RESPONSE TO OFFICE ACTION

NOV 19 2002

Commissioner for Patents
Washington, D.C. 20231

TECH CENTER 1600/2900

Dear Sir:

In response to the Office Action dated June 5, 2002, please enter the following amendments and consider the following remarks.

AMENDMENTS

IN THE CLAIMS:

Please cancel claims 1-16 and 21-30 without prejudice.

Please add the following new claims:

31. A recombinant herpes simplex virus (HSV) comprising a rep gene, which comprises a promoter operatively linked to a polynucleotide encoding an adeno-associated virus (AAV) rep polypeptide, wherein the rep polypeptide is conditionally active.

32. The recombinant HSV of claim 31, wherein the rep polypeptide is obtained from an AAV rep78, rep68, rep62, or rep40 protein.

33. The recombinant HSV of claim 31, wherein the rep polypeptide is an AAV rep78 protein.

34. The recombinant HSV of claim 31, wherein the rep polypeptide is an AAV rep68 protein.

35. The recombinant HSV of claim 31, wherein the rep polypeptide is an AAV rep62 protein.

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01 FC:2202 162.00 CH

02 FC:2201 42.00 CH

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03 FC:2252 200.00 CH

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